SIXTEEN-HOUR

Will Not Pass the House This Year, But May During Another Session.

RAILWAY MEN OPPOSE IT

Prefer to Make Extra Time-Vir-

Prefer to Make Extra Time—Virginia Delegation Divided on the Question.

Says Attorney Lawless.

"Witnesses were heard upon the above allegations or facts, and said board passed on the correctness thereof in the manner above set forth.

"But said board does not deny the truth of the allegation in said protest that no member had read or beard all way prevailed.

"We except," said Colonel Lawless, and he now proceeded to submit a lengthy answer to the notice of the truth of the allegation in said protest that no member had had no opportunity of examining the same at libefore the order of removal from office of this respondent was entered, and that nine of said members had had no opportunity of examining the same at libefore the order of removal from office of this respondent was entered.

"(b) That while in said secret session said general board of directors received, of witnesses as to the accuracy of a certain interview with Colonel L. W. Lane, parked the Senate, It will not get through the House, which means that the Sehator from Wisconsin will have to make his fight all over again next session, with, possibly, somewhat better chances of success than existed this year.

Railroads have openly opposed much

Glass Favors Bill.

Representative Carter Glass is just as emphatic and frank in declaring his intention to support the bill.

"To not admit that the railway people themselves are primarily the most interested parties in this matter," he said.

"The public is most deeply interested. A man who has been on duty twenty or thirty hours is not in condition to stand at an engine throttle, with the safety of dozens, probably hundreds, of human lives depending upon his being in perfect physical condition, with all his faculties physical condition, with all his faculties alert and on the watch for any signal witch may indicate danger. The employes say the bill should be defeated because. many of them are paid by the numher of miles they run, it will mean a re-duction of their wages. I believe that the wages of the average railroad man should be increased, rather than de-creased, but I believe that his safety and

(Continued from First Page.)

the entire day, but took no further par-

in the proceedings than now and then holding whispered conferences with his attorneys. Superintendent of Public Instruction J. D. Eggleston, Jr., was in natendance upon a portion of the day session, but left for Richmond to-hight.

The Morning Session. The Morning Session Was Full of Interest.

The board convened at 19:25 o'clock in Cameron Hall, and after waiting for about ten minutes, Commissioner Lane said from the chair that he had a mes-

said from the chair that he had a message from Colonel Lawless, stating that he would be present as soon as he could prepare a certain paper.

"We waited for Colonel Lawless all day yesterday," remarked Colonel Lawless all day yesterday," remarked Colonel Lane, "and it does not seem to me that we should have to wait to-day."

"I was about to make the same observation," said Haynes Morgan, of the board, but here it was discovered that no quorum was present. The sergeantararams was sent for Colonel Turk and Messrs. Gilliam and Bland, and when a quorum was made up Mr. Bohannon suggested that the sergeant be sent to see Colonel Lawless and inform him that the board was ready to proceed to business.

"Mr. Sergeant" said Colone.

considered and passed upon statements of witnesses, none of whom were sworn as required by law, upon questions of facts recited in said protest, without giving this respondent opportunity to cross-examine said witnesses, in this, to-wit:

"(a) In said protest this respondent alleged as follows: 'A subcommittee of three members of your board, appointed to clone! Lawless thought his client.

cross-examine said witnesses, in this, to-wit:

"(a) In said protest this respondent alleged as follows: 'A subcommittee of three members of your board, appointed to digest the 5,000 or more pages of the stenographic report of the evidence, divided these 5,000 and odd pages into three parts, as I am advised by the published statement of two members of your board, and each reading only a portion of his allotted third, submitted to you their joint findings of this partial-read evidence, which the remaining nine members of your board had, of course, no opportunity of examining.'

Board Still Incompetent,

Says Attorney Lawless.

will have to make his ngm and more seguin with possibly, somewhat better chances of success than existed this year.

Railroads have openly opposed much legislation, but it is impossible to find open opposition on their part to the pending bill. It is charged that tile railroads have induced engineers and conductors and other employes to come to Washington and oppose the granted with the proposition of railroad employes have protested against the proposed legislation, and many of them have been at the Capitol in the past few days urging that it be defeated.

Several local unions of railway men in Virginia have adopted resolutions opposing the bill, and a half-dozen or more representatives of railroad employes in Virginia are now here seeing members of the Virginia delegation and finsiting on their opposing the legislation opposed.

The Virginia delegation is divided. Only one of the Virginia representatives is outspoken against it. Mr. Flood, with characteristic straightforwardness in indicating his position, said to-day:

"If am opposed to the bill. The railway employes themselves do not want it, and they seem to be the people most directly affected."

Glass Favors Bill.

Which appeared in the engineers and bill professed in its said of protest in the said professed in the allegation of Said board on this said profess that continue to the sufficiency of the virginia delegation is divided. Only one of the Virginia representatives is outspoken against it. Mr. Flood, with characteristic straightforwardness in indicating his position, and to day.

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Glass Favors Bill.

Glass Favors Bill.

case.

4th. This respondent is well aware that under the law the powers of the general board of directors cannot be delegated, and nowhere suggests in said protest that when the law has the before the control of the

and nowhere suggests in said protest that such a thing be done.

When he declared his intention of not serving longer in his present official capacity, after having secured his acquittal and vindication before an impartial ributal, he endeavored to convince said board that he is not struggling to retain a temporal public office, however desirable it might be as serving to enable him to pursue the work to which his life had been dedicated, but that he is fighting for that which to him and to every Virginian worthy of his mother State is dearer than life itself, to-wit: a good character and faithfulness in the discharge of public duty.

Should Resign Rather

Should Resign Rather

Than Sit in the Case.

Than Sit in the Case.

"His plain and, it appears, unmistakable purpose in asking for a square deal was to suggest to said general board of directors the alternative of resigning their commissions rather than to sit as his judges. The question submitted to said board was whether they considered more sacred the transient distinction of retaining their membership thereon, or the character and professional reputation of a citizen which they would be called upon to consider and upon which they had already passed adversely without notice or hearing.

The assection of the people who fide on the thin age of the people who fide on the thin and it appears, ammitted that age of the people who fide on the thin and make of water consequence that age of the people who fide on the thin and make of water consequence that age of the people who fide on the thin and it appears, ammitted that he had not made up their minds, though fit was the literal time of the transfer distinction of retaining the fit was the literal to the form the people who fide the people who fide the people who fide the people who fide that he had not made up their minds, though fit was the literal to the form the people who fide the people who

entered, said court is precluded from ever again passing upon the facts in said case. Nor is one jury, nor any member thereof, ever permitted to pass upon the facts of a case more than once.

"This board, however, sitting as both judge and jury, has already twice decided this case, and two members thereof, at least, speaking for themselves and their associate judges, declare on the riccord as follows:

"They deem this board, in its present attitude and its past attitude in reference to this case especially, as an impeachment committee, closely bordering on a jury, and that they, having already up

THE FIRST TWINGE

Of Rheumatism Calls for Dr. Williams' Pink Pills if You Would Be Easily Cured.

grounds, to-wit:

"ist. That said board passed on said protest of said respondent in executive, or secret, session, while this respondent and his counsel were excluded from its presence and hearing.

"2d. That while said general board of directors was in said executive, or secret, session, and without the knowledge or properties of this presence of this respondent, it received.

set, and to his mind had no place in the record.

Colonel Lawless thought his client had a right to lay the grounds of his objections to the rulings before the board, and he and Mr. Hunton debated the question briefly. Judge Tredway moved that the paper be received and considered at some future time.

Colonel Turk opposed delay, and said the matter should be determined now. This was no court of law in his view, but a broader latitude should be allowed on both sides.

He moved as a substitute that the paper be considered at once. This substitute was supported by Mr. Bland and lost, and the motion of Judge Tredway prevailed.

ficiency of the charges preferred against him upon the grounds:

"(a) That the so-called charges and specifications are but a report of a subcommittee of the general board, containing matter with which this respondent has no concern, and relating to subjects over which he has no control, and do not constitute such legal charges and specifications as this respondent is entitled to have preferred against him.

"(b) The allegations of said report, which report is sought to be used as the charges and specifications against this respondent, are vague, general and in-

respondent, are vague, general and in-definite, and for that reason are wholly

definite, and for that reason are wholly insufficient.

"(c) No time or place when any of the alleged acts of incompentency or neglect of official duty occurred is alleged, and no facts sustaining said charges and specifications are stated therein."

The answer which follows the demurrer is very lengthy, and undertakes to fully meet all the charges set out in the no-

of the four State hospitals may be a necessary rule, it is not essential to the
welfare of this institution for the reason
that it alone, of the four State hospitals,
has an infirmary into which all critical
and urgent cases are removed from the
various wards. When these removals to
the infirmary are made they are reported
by the assistant physicians to the superintendent, and your respondent alleges
that he has made to such infirmary visits
ranging from two to five times daily in
his care and superintendence of such
cases. In addition to these visits your
respondent alleges that he made as many
visits to the various wards on both the
male and female sides as the conditions
of the patients of the wards required, the patients of the wards required of the patients of the wards required, and as it was practicable for him to do, and give that attention to his other various and manifold duties which their importance required. Your respondent respectfully refers to the findings of the committee of investigation on this charge, to be found on page 40 of their report, in the following words: 'If this duty were imposed upon the superint tendent of making a daily visit through both wards, as well as the infirmary, for the purpose of ascertaining all urgent and critical cases and for other purposes—more than double what was required of either one of his assistants—it would have been so exacting upon him and would have consumed so much of his time that it would have seriously interfered with his discharge of other and imperative duties, and, in fact, would have practically prevented, to a great extent, their performance at all.'

"Urgent and critical cases having been withdrawn from the wards and carried many the does not seem to me that we should have to wait to-day; and the should have to wait to-day; and the should have to wait to-day; and to make the same observation, and have to wait to-day; and the should have to wait to wait to day the should have to wait to wait

Denies Charge and Calls for Proof. Signature (c) As to the charge that the has

4.

been a lack of uniformity in the treat-ment or patients in the hospital by rea-son of the fallure of the superintendent to have proper consultation with his as-sistant physicians, your respondent denies the same, calls for the proof, and refers to what he has heretofore set out in that respect.

the same, calls for the proof, and refers to what he has herotofors set out in that respect.

"(d) As to the charge 'that the clinical records are kept by the assistant physicians at their own homes, and that he does not see them as often as he should,' your respondent alleges that the assistant physicians, having immediate charge of the patients, whose clinical records are kept in a bound volume, have more occasion to refer thereto than does your respondent, and that there being no provision in the by-laws of the institution as to where such clinical records shall be kept, it has been deemed expedient to permit them to be kept by the persons having more frequent need of their use. Your respondent denies that he did not see them as often as he should, and alleges that he made such examinations of them as the welfare of the patients seemed to require.

"(e) As to the charge that he failed to supply offices for his assistant physicians in the executive building, your respondent alleges that the reason of his failure so to do has been the physical impossibility of assigning offices where no offices existed.

"Your respondent alleges what is a palpable fact, that the executive building of this institution is occupied to its physical limits by its administrative offices, and that there is no room which might be assigned as the offices for his assistant physicians, Your respondent alleges that having no offices in the executive building to assign to his assistant physicians, to whit he assigned each of his assistant physicians for office purposes.

"(f) As to the charge 'that he failed to furnish a list of the detary to the pa-

poses.

"(f) As to the charge 'that he falled to furnish a list of the dietary to the patients, other than those who have been placed on special diet, thereby not conforming to Rule 17,' your respondent denies in toto said charge, calls for the proof, invokes the records of the institution in refutation, and refers to what he has heretofore said in that regard.

Did Not Leave Work Did Not Leave Work

Did Not Leave Work

to Assistant Physicians.

"(g) As to the charge "that the treatment of the patients is left in the main to the assistant physicians, and that he does, not know whether they attend to their duties," your respondent denies the same and calls for the proof.

"(h) As to the charge "that he displayed a lack of knowledge of the internal working of the institution," your respondent denies the charge and calls for the proof. Your respondent alleges that he is acquainted with all of the details of every department of this institution, and refers to a report of the special board of directors to the Governor of Virginia, under date September, 1903, when said board was composed of Judge G. T. Garnett, E. H. Clowes and of Judge G. T. Garnett, E. H. Clowes and H. D. Cole, in the following words: "The directors take pleasure in reporting this hospital as in excellent condition, and they feel they cannot commend too highly the ability and faithfulness with which the superintendent discharges the multifarious, delicate and responsible duties of his office, showing at all times an absolute familiarity with the minutest detail or every department of the work of the institution, and always exercising the livellest interest in and warmest sympathy for the unfortunate patients entrusted to his care."

"Since that report was made your respondent alleges that this institution has

"Since that report was made your respondent alleges that this institution has
been visited once a month by the special
board of directors, twice by a committee
of the Legislature, and three times by
the General Hospital Board itself, whose
duty it was on those occasions to inquire into and acquaint themselves with
its physical condition and the conduct

"(k) As to the charge that he has falled to examine the mail addressed to the patients of the institution, and that, in his absence, he authorized his son to open the official mail, instead or leaving it for the first easiers and the control of the control it for the first assistant physician in charge, thereby creating friction, your respondent denies that he has ever failed

respondent denies that he has ever falled to examine the mail addressed to the patients of this institution, or that any friction has been occasioned by his having authorized his son, in his absence, to open his personal mail.

"While he is empowered by the by-laws to authorize some person to open the mail during his absence, it is not required of him to designate any particular person, and your respondent alleges that he had a right to designate his son to open both the official, and personal mail, if he desired so to do, but that in no case did he authorize his son to open any but his personal mail, leaving the no case did he authorize his son to open any but his personal mail, leaving the duty of examining the official mail to the physician in charge.

New Patients Are

Carefully Examined.

"(1) As to the charge "that new patients on their entrance were not carefully examined," your respondent denies the same, and calls for proof.

"(m) As to the charge that he has falled to examine or to instruct his assistant physicians to examine the dead patients before burial," your respondent refers to what he has heretofore said in that regard, and relterates the same.

"(n) As to the charge "that in one of the cases of the maltreatment of a patient he falled to examine the matter for three months after the occurrence," your respondent refers to what has been already stated in that regard, and relterates the same.

"(o) As to the charge "that he considered the slapping of patients by the Carefully Examined.

"(0) As to the charge 'that he considered the slapping of patients by the attendants a matter of minor importance,' your respondent denies the same and calls for proof.

"(p) As to the charge 'that he does not know whether or not the patients get enough to cat except by requisition,' your respondent indignantly denies the same and demands proof."

Colonel Lawless said in answer to a question by Mr. Hunton that he did not desire to submit any argument on the

CASTORIA

Bearsthe
Signature
Charff Flitchers

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E ask you to consider the fact, that although there are hundreds of preparations advertised, there is only one that really stands out pre-eminent as a remedy for all diseases of the kidneys, liver and bladder.

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femurrer, and on motion of Judge Tred-thereon at will. The board had the eral times, and he hardly ever falled to way it was overruled. Colonel Lawless right to add to the list as well as to take a shot of the Control

way it was overruled, Colonel Laward noting exceptions.

Mr. Hunton read into the record the resolution of the beard removing Dr. Foster from office, the letter of the latter declaing to give up, and all the papers leading up to the pressults for breakfast; committee, and to this Colonel Lawless interposes, and the gist of his testimony was that the patients have been mission of the testimony of Dr. Foster, the latter declaring that he had never the above with it.

Mr. Hansborough said the opportunity had been afforded the members at the Stauton meeting in October to familiar the themselves with the record, and this should be made.

Mrs. Solover, the housekeeper, was now introduced, and was questioned by the dependence, the this colonel lawless and the proper state of the colonel lawless and the proper state of the colonel lawless and the proper state of the state of the colonel lawless and the proper state of the state of the colonel lawless of the colonel lawless of the colonel lawless of the colonel lawless

town.

Mr. Hunton read the specifications in the charges, one by one, and offered evidence in their support.

There was sharp talk by members of the board about the non-attendance of witnesses, and the sergeant was instructed to require them to come.

Not Been Injured,

Said Dr. Henderson.

Dr. J. M. Henderson, first assistant physician, was put on to testify as to the said he had made a note on his report of a case of which he had heard in October, 1905. He made an examination and found the patient had not been injured, though she said she had been mistreated. He understood that Dr. Foster had examinated in the direction of the case for himself with the same result. Dr. P. T. Southall, second physician, was put on to testify as to the bathing of more than one patient in the same water. Witness wished to know if the tastimony given by him was to be used against him. He was told that he was not on trial. He declared that he had seen only one case of such bathing. If, in his former testimony, he had said this was the custom at the hospital, he wished to modify it. He had never seen but one such case.

Witness was going on to say that Mr. Ould had taken him aside during the legislative investigation and told him. "There is nothing against you; we are not after you." Mr. Hunton did not think this was evidence, but witness paid little attention to the lawyers, declaring amid laughter that he would tell what he pleased.

On the straight-jacket charge, Dr. Henderson Is.

He had asked Dr. Foster about tandered to the Stand. He had saked Dr. Foster sbout tandered to the form and to have the form and they had a standered the board for it all. He had the had taken him aside during the legislative investigation and told him, "There is nothing against you; we are not after you." Mr. Hunton did not think this was evidence, but witness paid little attention to the lawyers, declaring amid laughter that he would tell what he pleased.

On the straight-jacket charge, Dr. Henderson Is.

He had asked Dr. Foster about tandered to the form and they had a sto the landscape gardener, and said that most of the latter's time was to assist in gathering vegetables.

Dr. Henderson Is.

Recalled to the Stand.

The board took an hour for lunch, and times.

The board took an hour for lunch, and times.

The bo Said Dr. Henderson.

tent.

He had asked Dr. Foster about Dr. Henderson Is abandoning the custom, and the latter Recalled

said he would be very glad if it could be done. It was done gradually, ex-cept in extreme cases. They were used now only in such cass. No straight-jackets had been used in the wards in the last several years. There was on case in the hospital now, and straight-jacket was used, but this wa necessary, owing to the lack of at-

necessary, owing to the half of attendants.

Answering Mr. Gilliam, witness gave it as his opinion that this treatment did not tend to improve a patient's mental condition, but on the other hand to aggravate it. He had nover known Dr. Foster to order the use of a straight-jacket as a means of punishment.

He said he thought the situation as to the use of straight-jackets could be relieved if two additional attendants were named.

Had Used Electric

Battery on Patient.

Battery on Patient.
Colonel Lawless objected to much of Dr. Henderson's testimony on the ground that it was irrovelant.
Attendant R. D. Wilkins testified that Dr. Hunter McGuire Williams when he was an interne at the hospital, had used an electric battery on a patient to make him eat. As a result, witness said the patient had recovered and was discharged.

E. H. Proctor, a former attendant, swore that he had known of one or two occasions where patients had been "ducked" as a matter of punishment. It had more frequently been done as a means of treatment, but witness did not know that it had ever been done with the knowledge or approval of Dr. Foster. Foster.

The charge as to the quality of food was read by Mr. Hunton, and he also read at length from the evidence before the investigating committee on On this question. Mr. Archer Brooks,

On this question. Mr. Archer Brooks, the steward of the hospital, testified. His evidence related to the methods of purchase and the changing of the bill of fare for the inmates.

He said he made out the diet list, submitted it to Dr. Foster, and he approved and signed it. He could not recall that the superintendent made changes in these lists, though he might sometimes have done so. Answering Colonel Lawless, witness said the special board ordered the purchase of sup-

hill of fare for the inmates.

He said he made out the diet list, submitted it to Dr. Foster, and he approved and signed it. He could not recall that the superintendent made changes in these lists, though he might sometimes have done so. Answering Colonel Lawless, witness said the special board ordered the purchase of supplies for the institution. He made his requisition on the board, and the board accepted or rejected articles.

This irritated Mr. Gilliam, who is a denied the statement, and observed that the witness seemed to know more about the Central Hospital at his bellef that in the Central Hospital at his bellef

ranged from 115 to 150 degrees. She said there was no other place to keep the meat, and, answering Colonel Lawless, said the kitchen facilities should be doubled in order to meet present needs. She was sure all the patients on the female side, where she has charge, always got enough to eat. In wincess view of the case Dr. Foster was diligent in the discharge of his duties at all times.

The board took an hour for lunch, and resuming at 3 o'clock, Mr. Brooks, the

Dr. Henderson Is

Recalled to the Stand.

Dr. Henderson, Iteing recalled, said that Dr. Foster had told him that Dr. Southall was too nervous and too absent-minded for such a position as first assistant physician, and that he (Foster) had been handicapped in his administration for these reasons.

The about three or four times a month. He had never heard of scarcity of the food for the patients until a witness testified to it at the other inquiry.

Clone Lawless pressed witness to know if he hadn't previously testified that he visited the dining-room two or that he visited the dining-room two or always plenty of vegetables on the table. He said he had given such testimony.

Mr. Hunton Objects

that Dr. Foster had told him that Dr. Southall was too nervoug and too absent-minded for such a position as first assistant physician, and that he (Foster) had been handleapped in his administration for these reasons.

Witness thought there had been some lack of harmony between Dr. Southall and Dr. Foster, and perhaps between others. The physicians did not work collectively. They had never had any conferences of the entire staff with reference to the method of practice in the ence to the method of practice in the institution. Witness and Dr. Southall

institution. Witness and Dr. Southall worked separately.

He had no office in the executive building. On cross-examination, he admitted that unless some one else should be displaced there was not sufficient room for another office in the executive building. He had an office, however, in another building.

He may an include the street of the words of the street of the words o

"You do not know how often he has been without you, do you?" asked Colonel

been without you, do you?" asked Colonel Lawless.
"No, sir; I do not," was the answer. Witness thought Dr. Foster had been diligent in looking after patients sent to the infirmary.

Dr. Southall was again recalled, and said the relations between himself and Dr. Foster for the, past three or four years were igreeable. There were differences prior to that time, but they had been healed. Witness declared the only thing the legislative committee had said against him was that he had lost his independence and surrendered it to Dr. Foster. He defended the use of straightfackets, and said they were necessary in certain cases. He had not had one on a patient in his department since last summer.

summer.
Witness said it was necessary to use straight-jackets, "knockout drops," or some other vigorous treatment, to quiet obstreperous patients, and he declared his belief that in the Central Hospital at

take a shot at the Central.

Unique Proceedings

at Night Session. When an adjournment was had at 6 o'clock Mr. Hunton announced that he had completed the introduction of his testimony.

testimony.

The board took a recess until 8 o'clock, and upon reconvening. Colonel L. W. Lane, Jr., was called from the chair, as presiding officer. by Colonel Lawless and put on the stand.

Colonel Lawless. Colonel Lawless read from Colonel

Colonel Lawless read from Colonel Lane's testimony before the investigating committee, in which the latter was quoted as saying that the Eastern State Hospital would compare favorably with the Western or any other in Virginia.

"I stand by every word of my formes testimony, Colonel Lawless," he said. He declared that he thought Dr. Foster was a good business man, and, so far as he knew, he had been dilligent and industrious in the discharge of his duties. He knew nothing of his management of the medical side of the hospital. He had gotten his impression as to Dr. Foster's gotten his impression as to Dr. Foster's business qualifications mainly as State Hospital Commissioner and in reviewing the papers that came before the board from the hospital. These papers were usually in good form. Colonel Lane resumed his place at the head of the board, and Mr. H. D. Cole, the local member from Williamsburg, was introduced.

He was asked by Colonel Lawless how often it was his custom to visit the dining-room of the hospital, and he said about three or four times a month. He had never heard of scarcity of the food

Mr. Hunton Objects

to a Comparison. Colonel Lawless wanted to compare con-ditions at the other hospitals in this State with those here, but Mr. Hunton objected, and the objection was sustained by the board.

board.

Counsel and board members wrangled for a while over this question asked Mr. Cole, and he proceeded, admitting that he had testified that conditions here were as good as those at any of the other hos-pitals he had visited.. He testified that the fare was good and

He testified that the fare was good and wholesome,
He had joined in the selection of a landscape gardener for the hospital, and was not present when the charge was formulated that Dr. Foster was responsible for him. Mr. Bland, of the board, testified that he was a strong witness for Dr. Foster. He had inspected the institution in most of the departments from time to time, and always found it in time shape. As a member of the special fine shape. As a member of the special board, he had helped to select the land-scape gardener. Mr. Cole made the mo-tion, and Dr. Foster had nothing to do with it.

Messrs. Bohannon. Tredway and Os-borne, who, as the subcommittee, formu-lated the charges, declared that this was not to be considered a charge when this Colonel Lawless abandoned this line of

questioning.

Colonel Lawless and his friends considered this a victory for Dr. Foster, and they looked upon the statements of the members of the subcommittee as a withdrawal of a charge.
At 9:15 Colonel Lawless said he was not

in a position to put on any more wit-nesses to-night, and the committee there-fore adjourned until 10 o'clock to-morrow

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